

7969-0027/dmf

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH WILLIAMS,

ANSWER

Plaintiff,

08 CIV 0408 (KMK)

-against-

WILLIAM LAHAR, sued in his individual capacity, and JOHN
DOES 1 through IV, sued in their individual capacities,

Defendants.
-----X

The defendant, William Lahar, by his attorneys, McCabe & Mack LLP, as and for his
answer to the complaint of the plaintiff, respectfully shows to the court and alleges as follows.

INTRODUCTION

1. With regard to paragraph numbered "1" of the complaint, neither admits nor
denies as states a conclusion of law.

PARTIES

2. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in paragraphs numbered "1" and "4" of the complaint.

JURISDICTION AND VENUE

3. With regard to paragraphs numbered "5" and "6" of the complaint, neither
admits nor denies as states a conclusion of law.

FACTUAL AVERMENTS

4. With regard to paragraph numbered "7" of the complaint, admits only that the
incident occurred approximately 3:00 a.m. on March 20, 2005 and denies knowledge or
information sufficient to form a belief as to the truth of the remaining allegations.

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5. With regard to paragraph numbered “8” of the complaint, admits only that plaintiff was stopped for a traffic infraction and a warrant existed for his arrest and denies the remaining allegations.

6. With regard to paragraph numbered “9” of the complaint, admits only that plaintiff operated his vehicle while officers were attempting to remove him from it and that it struck a parked car.

7. Denies those allegations contained in paragraphs numbered “10”, “11”, “12”, “13”, “15”, “16” and “17” of the complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “14” of the complaint.

AS TO THE CAUSE OF ACTION

9. Repeats, reiterates and realleges each and every denial to each and every allegation contained in paragraphs numbered “1” through “17” and incorporated by reference in paragraph “18” of the complaint as if the same were more fully set forth herein at length.

10. Denies those allegations contained in paragraph numbered “19” of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

11. All force used was reasonable and necessary.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

12. Officer Lahar acted in good faith and is entitled to qualified immunity.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

13. Plaintiff’s arrest was with probable cause.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

14. Plaintiff was promptly taken to a hospital for treatment of his asthma.

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AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

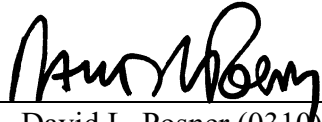
15. The court lacks jurisdiction over Officer Lahar due to a failure of service of process.

WHEREFORE, the defendant demands judgment dismissing the complaint of the plaintiff herein, plus the costs and disbursements of this action and for such other and further relief as to the Court may seem just and proper.

DATED: Poughkeepsie, New York
February 25, 2008

Yours, etc.

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